

## Attachment A – Special District Comparison

- “Off-the-Shelf” Districts. There is no generic Groundwater Management District Act in the State Water Code authorizing the creation of groundwater management districts. However, approximately 20 types of local agencies are authorized by statute to provide water for various beneficial uses; and many of these agencies have statutory authority (to varying degrees) to institute some form of groundwater management. For example, Water Replenishment Districts (Water Code Section 60000 et seq.) are authorized to establish groundwater replenishment programs and collect fees for that service and Water Conservation Districts (Water Code Section 75500 et seq.) can levy groundwater extraction fees. The authority of these “off-the-shelf” districts is limited to the authority granted to them under the applicable act—they have no general police power.
- Districts Created by Special Legislation. The State legislature has created (through special legislation) approximately 13 local agencies or districts with greater authority to manage groundwater. Most of these agencies have the authority to limit export and to control some in-basin extraction upon evidence of overdraft or threat of overdraft.
- AB 3030. AB 3030 (Water Code Section 10750 et seq.) authorizes “local agencies” (local public agencies that provide water service) and other agencies that provide flood control, groundwater management or groundwater replenishment (but do not fall within the statutory definition of “local agency”) to adopt a Groundwater Management Plan and rules and regulations to enforce such a plan. With limited exception, an agency cannot engage in groundwater management planning pursuant to AB 3030 within the service area of another local agency. An agency that adopts a Groundwater Management Plan pursuant to AB 3030 has the authority of a water replenishment district and may impose equitable annual fees and assessments for groundwater management based on the amount of groundwater extracted from the groundwater basin within the area included in the plan. However, before a local agency may impose said fees and assessments, the local agency shall hold an election on the matter (a “majority of votes cast” must be in favor). An agency that adopts a Groundwater Management Plan pursuant to AB 3030 also has the authority to limit or suspend extractions if it is determined through study and investigation that the groundwater replenishment programs or other alternative sources of water supply have proved insufficient or infeasible to lessen the demand for groundwater. The San Luis Obispo County Flood Control and Water Conservation District adopted an AB 3030 plan (for areas outside of other service areas) in 2012.
- Groundwater Management Ordinances. At least 27 Counties have adopted groundwater management ordinances pursuant to their police powers.<sup>i</sup>

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<sup>i</sup> See [http://www.water.ca.gov/groundwater/gwmanagement/local\\_gw\\_ordinances.cfm](http://www.water.ca.gov/groundwater/gwmanagement/local_gw_ordinances.cfm).

Special District Comparison

	Fox Canyon Groundwater Management Agency*	Orange County Water Agency	Pajaro Valley Water Management Agency	Monterey County Water Resources Agency	Napa County
Location	Southern CA (Ventura County)	Southern CA	Santa Clara, Monterey, San Benito Counties	Central Coast	Northern CA
Enabling Legislation	1982 Special Legislation	1933 Special Legislation	1984 Special Legislation	1947 FC&WCDA** amended by 1990 Special Legislation	County Ordinance
Formation Process	Legislator Sponsorship	Legislator Sponsorship	Legislator Sponsorship	Legislator Sponsorship (amendment)	Public or County initiated resolution with approval by vote of the Board
Description and Purpose	Groundwater conservation through well <b>extraction management</b> ; Ordinance and Resolutions establishing programs/rules & regs for various basins within agency area	Purchase <b>supplemental water</b> for groundwater recharge; to construct, operate and maintain water production facilities; to acquire water rights and spreading facilities to replenish and protect the groundwater supply	Formed to efficiently and economically <b>manage existing and supplemental water supplies</b> in order to prevent further increase in, and continuing reduction of, long-term overdraft.	Manages, Protects, and <b>Enhances the Quantity</b> and Quality of Water and Provides Specified <b>Flood Control Services</b>	Five designated deficient Basins with additional provisions in the Napa County Groundwater Ordinance requiring permitting and metering of <b>certain new uses</b> and establishing “Fair Share” and “no net increase” <b>extraction limitation</b> standards
Monitoring	All extraction facilities registered, metered and reported on semi-annually	Extensively monitored and metered	Water Metering Program requires meters on all water extraction facilities pumping more than 10 afy. Presently, approx. 800 extraction facilities are metered.	Usage reporting required (authorized to fine for non compliance); no comprehensive metering program	Most new wells require metering
Demand Management	Extraction limitation and reduction schedule are calculated and established; Non- compliance: fees and/or petition court to prohibit use of well (injunction).	A basin production percentage is calculated for major producers (see annual Engineer’s reports); equity assessments charged if exceeded; smaller (less than 25 AFY) exempt; Conservation programs	Conservation programs	None indicated online	Applications for a groundwater permit required to evaluate proposed use and determine requirements; For most new uses, there are extraction limitations; Penalty fines/civil action for violations; Permit issuance decisions can be appealed to the Board; Conservation programs
Projects	Limited to scientific/hydrogeological to manage basin; no major capital facilities/projects	Imported water, recharge, recycled water projects; reservoirs	Managed aquifer recharge and recovery facility; Recycled Water; Storage and Conveyance	Reservoirs managed for conjunctive use, recharge enhancement and flood management, river detention facilities for enhanced recharge, recycled water	Recycled water project being developed (voluntary-participation)
Normal Fees	\$4.00 per acre foot per well; no fee for permit	Combination of ad valorem taxes and water use assessments; replenishment assessment based on amount of overdraft (varies for each major producer)	Metered Users - Outside Delivered Water Zone \$170/AF, Inside Delivered Water Zone \$205/AF Unmetered Users (Rural Residential) \$164 (or \$97 annually per residence) Delivered Water Charge \$321	Assessment depends on what zone of benefit the property is in plus a base charge for all zones	Unknown
Governance	5 member Board: County rep, Farm rep, United Water Conservation District rep, one rep for the 5 cities, one rep for the 7 small water districts	10 member Board/divisions: 7 elected, 3 are appointed by the city councils of Anaheim, Fullerton and Santa Ana	Seven-member Board of Directors	9 members appointed by the County BOS; Regional advisory committee	County Board of Supervisors (5)
Link/Code	<a href="http://www.fcgma.org">www.fcgma.org</a> AB-2995 – FCGMA Act, Uncodified (Water Code Appendix) (not found online)	<a href="http://www.ocwd.com">www.ocwd.com</a> <a href="http://www.ocwd.com/Portals/0/Pdf/ocwd_district_act.pdf">http://www.ocwd.com/Portals/0/Pdf/ocwd_district_act.pdf</a>	<a href="http://www.pvwma.dst.ca.us/">http://www.pvwma.dst.ca.us/</a> <a href="http://www.pvwma.dst.ca.us/about-pvwma/assets/agency_act_assets/Agency%20Act%20-%202009_Act%20760.PVWMA.pdf">http://www.pvwma.dst.ca.us/about-pvwma/assets/agency_act_assets/Agency%20Act%20-%202009_Act%20760.PVWMA.pdf</a>	<a href="http://www.mcwra.co.monterey.ca.us/">http://www.mcwra.co.monterey.ca.us/</a> (see “About Us” for act)	<a href="http://www.countyofnapa.org/">http://www.countyofnapa.org/</a> (see County Info sidebar) Title 13, Chp 13.15

\*Has adopted emergency ordinances in the past to prohibit construction of new wells.

\*\*Flood Control and Water Conservation District

**Special District Comparison**

	California Water District	County Water District	Water Replenishment District <sup>1</sup>	SLOCFC&WCD Zone	Santa Maria Basin
Location	Various	Various	Various	San Luis Obispo County	San Luis Obispo/Santa Barbara Counties
Enabling Legislation	California Water District Law	County Water District Law	Water Replenishment District Act	SLOFC&WCD Act	Adjudication/Stipulated Judgment
Formation Process	1) Holders of title to a majority in area of land within boundaries of proposed district submit formation petition to LAFCO; 2) Holders within proposed boundary can seek exclusion and holders outside of but adjacent to proposed boundary can seek inclusion; 3) LAFCO holds hearing and enters order: establishing exterior boundaries, describing land to be excluded and naming the proposed district; 4) After entry of order, formation election proceeds based on one vote for each dollar's worth of land or based on one vote for each acre; 5) May be divided into divisions upon resolution of the board of directors or upon petition signed by a majority of eligible voters within the district (one director is elected from each division and must hold title to land in said division)	1) Assuming municipalities excluded, formation petition shall be signed by voters equal in number to at least 10 percent of the voters registered within the boundaries of the proposed district and submitted to LAFCO (must be a resident of the proposed district to be a "voter"); 2) Persons may seek inclusion of land adjacent to the proposed boundary; 3) LAFCO holds hearing to consider approving boundaries and whether to have formation vote; 4) Formation election proceeds based on one vote for each voter residing in district area.	1) Assuming municipalities excluded, formation petition shall be signed by voters residing within proposed boundaries equal in number to at least 10 percent of voters residing within proposed boundaries (must be a resident of the proposed district to be a "voter") and submitted to the Department or LAFCO; 2) Persons may seek inclusion of land adjacent to the proposed boundary; 3) Department or LAFCO holds hearing to consider approving boundaries 4) Board of Supervisors or LAFCO divides district into five divisions based on population; 5) Formation election proceeds based on one vote for each voter residing in district area.	1) Zones can be established by resolution of the Board of Supervisors or by a petition signed by at least 10 percent or more of the landowners and presented to the Board of Supervisors or LAFCO; 2) subject to majority protest by the owners of real property within the zone owning more than 50% of the total assessed value of the land or real property	Court proceedings/negotiated settlements resulted in the formation of 3 management areas with technical groups responsible for monitoring conditions in their areas.
Description and Purpose	Generally engaged in the purchase, treatment (if needed) and distribution of water	Appropriate, acquire and conserve water and water rights for any useful purpose; water conservation program to reduce water use and may require as a condition of new service that reasonable water-saving devices and water reclamation devices be installed; control, distribute, store, spread, sink, treat, purify, recapture and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein	Buy and sell water; distribute water to persons in exchange for creating or reducing ground water extractions; Spread, sink and inject water into the underground; store, transport, recapture, recycle, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district	Buy and sell water; spread, sink and inject water into the underground; store, transport, recapture, recycle, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district	All management areas report annually to the Court; certain entities have specific extraction amounts defined
Monitoring	Generally for the purpose of managing water operations, accounting and charges	Generally for the purpose of managing water operations, accounting and charges	Generally for the purpose of managing water operations, accounting and charges and monitoring groundwater	Generally for the purpose of managing water operations, accounting and charges and groundwater/watershed conditions	For the purpose of monitoring basin uses and conditions; key well index
Demand Management	No express extraction limitation powers within the enabling legislation <sup>1</sup> . May be subject to Agricultural Water Management regulations (metering and conservation) depending on size (CWC § 10608).	No express extraction limitation powers within the enabling legislation <sup>1</sup> . May be subject to Water Management Regulations (metering and conservation) depending on size (CWC § 10608).	May levy a groundwater replenishment assessment upon the production of groundwater in order to fund groundwater replenishment programs; conservation programs	No express extraction limitation powers within the enabling legislation <sup>1</sup> ; conservation programs	Extraction limitations for certain entities are defined; potentially Severe Conditions triggers certain actions when levels or quality drops
Projects	Typically conveyance, storage, supplemental water	Typically conveyance, storage, supplemental water	Projects aimed at preserving and/or replenishing groundwater	Projects to conserve, procure, and reclaim water for present and future use within the district	Nipomo Mesa Management Area required to bring in supplemental water
Fees	Charges/standby charges allowed	Charges/standby charges (\$10/acre) allowed	Charges and replenishment assessments	Charges and assessments	Individual entities are responsible for covering costs on a cooperative basis
Governance	5-13 directors; divisions can be considered post formation	5 Directors; divisions can be considered post formation	5 Directors/5 Divisions	5 Board of Supervisors; zones have an advisory committee	A judge
Link	<a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml">http://leginfo.legislature.ca.gov/faces/codes.xhtml</a> California Water Code Section 34000	<a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml">http://leginfo.legislature.ca.gov/faces/codes.xhtml</a> California Water Code Section 30000	<a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml">http://leginfo.legislature.ca.gov/faces/codes.xhtml</a> California Water Code Section 60000	Act 7205	<a href="http://www.sceffiling.org/cases/caschome.jsp?caseId=829">http://www.sceffiling.org/cases/caschome.jsp?caseId=829</a>

<sup>1</sup> A local agency that adopts a Groundwater Management Plan could possess the same authority of a water replenishment district; see Water Code Section 10750 et seq. for details